

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Claims 1 and 15-18 have been allowed and Claims 7, 13, 14, and 19-30 have been rejected by the Examiner. Claims 13-14, 19-21, and 26-30 have been amended, and Claim 7 has been cancelled without prejudice. Paragraph [0038] of the Specification has been amended to correct a typographical error included therein. No new matter has been added. Accordingly, Claims 1 and 13-30 will be pending in the present application upon entry of this Reply and Amendment.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Minor Informalities

In Section 3 of the Office Action, the disclosure of the present application was objected to by the Examiner. Paragraph [0038] has been amended in accordance with the Examiner's suggestion.

Claim Rejections – 35 U.S.C. § 112 and 35 U.S.C. § 101

In Section 5 of the Office Action, the Examiner rejected Claims 13, 14, and 19-30 under 35 U.S.C. § 112, ¶ 1 as failing to comply with the written description requirement. Claims 13-14, 19-21, 26-28, and 30 have been amended to delete the word "approximately" in accordance with the Examiner's suggestion.

In Sections 8-9 of the Office Action, the Examiner rejected Claim 7 under 35 U.S.C. § 112, ¶ 2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention and under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claim 7 has been cancelled without prejudice.

In Section 10 of the Office Action, the Examiner rejected Claims 27-30 under 35 U.S.C. § 112, ¶ 2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 27-30 have been amended in accordance with the Examiner's suggestion.

Allowed Claims and Comment on Statement of Reasons for Allowance

In Section 11 and 12 of the Office Action, the Examiner indicated that Claims 1 and 15-18 are considered allowable over the prior art of record and that Claims 13-14 and 19-30 would be allowable if rewritten or amended to overcome all 35 U.S.C. § 112 rejections set forth in the Office Action. The Applicants submit that all such rejections have been overcome, and that accordingly, Claims 1 and 13-30 are allowable.

The Examiner stated (emphasis in original):

13. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach or to have suggested solid state reaction **methods** for the production of tetrabasic lead sulfate via the specific sequence of reaction steps **required** by instant claim 1 (upon which instant claims 13-14 ultimately depend), as well as **required** by instant claim 19 (upon which instant claims 20-25 ultimately depend) and *presumably required* by independent claim 26 (upon which instant claims 27-30 ultimately depend) — namely, ***the combination of the recited stoichiometric mixture of reactants, reaction temperatures and reaction time periods. Accordingly, instant claims 1 and 15-18 in their current form, and instant claims 13, 14 and 19-30 — again, if amended/rewritten per paragraph 12. above — must/would be deemed*** allowable over the prior art of record.

While the Applicants agree that Claims 1 and 13-30 recite a combination of subject matter that is patentable over the cited references, the Applicants do not necessarily agree with or acquiesce in the statement of reasons for allowance given by the Examiner. Moreover, the Applicants note that the recited subject matter as well as various other subject matter and/or combinations of subject matter may be patentable for other reasons than those given by the Examiner. The Applicants expressly reserve the right to set forth additional and/or alternative reasons for patentability and/or allowance with the present Application or in any other future proceeding.

* * *

It is submitted that each outstanding objection and rejection to the Application has been overcome, and that the Application is in a condition for allowance. The Applicants request consideration and allowance of all pending Claims 1 and 13-30.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

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By 

FOLEY & LARDNER LLP
Customer Number: 26371
Telephone: (414) 297-5564
Facsimile: (414) 297-4900

Marcus W. Sprow
Attorney for Applicants
Registration No. 48,580